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ABSTRACT

The Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (P.L. 100-297) amend most previously authorized programs of federal aid to elementary and secondary education, and authorize several new programs, most of which are consolidated into an amended version of the Elementary and Secondary Education Act of 1965 (ESEA). Under P.L. 100-297, the Chapter 1 Program of education for disadvantaged children is amended to update the allocation formula, encourage greater parental involvement, expand evaluation requirements, and provide incentives for program innovation and improvement. Among the new federal assistance programs authorized in P.L. 100-297 are the following: amendments in the Bilingual Education Act to increase flexibility in instructional techniques; new priorities in the impact aid program; revisions in Indian and Native Hawaiian education; revised auditing procedures for the Department of Education; programs for dropout prevention and secondary school basic skills improvement; parent education programs for disadvantaged children; aid for educational telecommunications networks; a foreign language education program; a program for education of gifted and talented children; and a number of new adult education programs. (Author/TE)

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ELEMENTARY AND SECONDARY EDUCATION: A SUMMARY OF THE AUGUSTUS F. HAWKINS-ROBERT T. STAFFORD ELEMENTARY AND SECONDARY SCHOOL IMPROVEMENT AMENDMENTS OF 1988, PUBLIC LAW 100-297

By
The Education Section
Education and Public Welfare Division

CRS

June 22, 1988

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ELEMENTARY AND SECONDARY EDUCATION: A SUMMARY OF THE AUGUSTUS F. HAWKINS-ROBERT T. STAFFORD ELEMENTARY AND SECONDARY SCHOOL IMPROVEMENT AMENDMENTS OF 1988, PUBLIC LAW 100-297

SUMMARY

P.L. 100-297, the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, extends through fiscal year (FY) 1993 and amends most previously authorized programs of Federal aid to elementary and secondary education. The Amendments also authorize several new programs. Most of the revised and new programs are consolidated into an amended version of the Elementary and Secondary Education Act (ESEA), which was initially enacted in 1965.

Under P.L. 100-297, the chapter 1 program of education for disadvantaged children is amended to update the allocation formula, require that a share of funds be reserved for concentration grants, encourage greater parental involvement, expand evaluation requirements, and provide incentives for program innovation and improvement. The chapter 2 education block grant is revised to require greater targeting on priority educational needs and remove authority for discretionary grants by the Secretary of Education.

In a new critical skills title for the ESEA, the Amendments revise Federal support for elementary and secondary science, mathematics, and foreign language education. The Bilingual Education Act is amended to increase grantees' flexibility in instructional techniques. The priority order for grants under the impact aid program is changed. The authority for Indian education programs is broadly revised. And statutory provisions for statistical and assessment activities of ED are expanded. P.L. 100-297 also extends, with less substantial amendment, the programs of magnet schools assistance, drug abuse education, adult education, immigrant education, women's educational equity, and territorial assistance.

Among the new Federal elementary and secondary education assistance programs authorized in P.L. 100-297 are the following: programs for school dropout prevention and secondary school basic skills improvement; a series of demonstration programs supporting innovative educational techniques, an even start program for joint education of disadvantaged children aged 1-7 years and their parents; a star schools program of aid for educational telecommunications networks; a Comprehensive Child Development Centers program; a series of programs for the education of Native Hawaiians; a foreign language education program; an extension of the Ellender fellowship program to include older Americans and recent immigrants; a program of education for gifted and talented children; and a number of new adult education programs.

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ELEMENTARY AND SECONDARY EDUCATION: A SUMMARY OF THE AUGUSTUS F. HAWKINS-ROBERT T. STAFFORD ELEMENTARY AND SECONDARY SCHOOL IMPROVEMENT AMENDMENTS OF 1988, PUBLIC LAW 100-297

INTRODUCTION

On April 28, 1988, H.R. 5--the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988--was signed into law, as P.L. 100-297. This statute extends the authorization for, and amends, most Federal programs of assistance to elementary and secondary education. 1/ P.L. 100-297--or the "Hawkins-Stafford Amendments"--also authorizes a number of new elementary and secondary education aid programs, such as aid for: school dropout prevention, joint education of disadvantaged preschool children and their parents (even start), foreign language education, comprehensive child development centers, educational telecommunications partnerships, a Fund for the Improvement and Reform of Schools and Teaching, and education for Native Hawaiians.

This report provides a brief summary of the major provisions of the Hawkins-Stafford Amendments. In order to be as concise as possible, new or substantially revised statutory provisions are emphasized; only minimal information is provided on previous statutory language that is not substantially

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1/ The primary Federal elementary and secondary education programs that were not included in P.L. 100-297 are those authorized by the Education of the Handicapped Act and by the Carl D. Perkins Vocational Education Act.

changed by P.L. 100-297. 2/ The order in which programs are described is not the same as their order of presentation in P.L. 100-297. Instead, provisions are listed first by major program area, with a variety of smaller, "special" programs following at the end; see the table of contents for the specific order of presentation. Where provisions on closely related topics are located in different parts of the Hawkins-Stafford Amendments--for example, the dropout prevention demonstration programs in ESEA title VI, as amended by P.L. 100-297, and the dropout prevention grant program in ESEA title I, chapter 1, part C--the programs are described together--in the example, under Education of the Disadvantaged--in this report.

For each major program area, this report presents brief "highlights" of the most noteworthy Hawkins-Stafford Amendments provisions; these are indented and preceded by "bullets" ("o") in the text. The highlights are followed by a brief narrative description of the highlighted provisions. For program areas that are less significant, the report provides only a few sentences describing the P.L. 100-297 provisions; these are indented and concisely stated, but not preceded by a "bullet" in the text, to distinguish them from major program highlights. In all cases, the focus of this report is new programs or major changes to previous programs that are included in the Hawkins-Stafford Amendments.

Finally, the appendix to this report contains a table of FY 1989 appropriations authorizations levels in P.L. 100-297, compared--where appropriate--to FY 1988 appropriations for comparable programs. FY 1989 authorizations

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2/ For additional information on previously authorized programs that have been amended and extended by P.L. 100-297, see U.S. Library of Congress. Congressional Research Service. Federal Assistance for Elementary and Secondary Education: Background Information on Selected Programs Likely to be Considered for Reauthorization by the 100th Congress. CRS Report for Congress 87-330 EPW, by the Education Section. Washington, 1988.

were selected since that is the first year for which most programs are authorized in the Hawkins-Stafford Amendments. With a small number of exceptions, that are noted in this report, P.L. 100-297 programs are authorized through FY 1993.

I. EDUCATION FOR THE DISADVANTAGED

A. Basic Programs Operated by Local Educational Agencies (title I, chapter 1, part A of the ESEA, as amended by P.L. 100-297)

- o Updates the population categories counted in the basic grant allocation formula, and adds a State minimum grant provision;
- o Changes the concentration grant allocation formula, and requires minimum shares of chapter 1 appropriations to be used for concentration grants;
- o Places emphasis on increasing parental involvement in chapter 1 programs;
- o Authorizes grants to pay for capital expenses of serving nonpublic school pupils; and
- o Mandates various program improvement activities.

P.L. 100-297 amends and extends the Education Consolidation and Improvement Act (ECIA) chapter 1 program of grants for the education of disadvantaged children, as title I, chapter 1 of the Elementary and Secondary Education Act (ESEA), as amended. Chapter 1 basic and concentration grants to local educational agencies (LEAs) are now authorized in part A of the revised statute.

The population counted in the allocation formulas for chapter 1 LEA grants is modified. 3/ Under previous law, these were county-level children aged 5-17 years: (a) in poor families, according to the latest available decennial

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3/ The chapter 1 basic grant allocation formula also contains a cost factor, of 40 percent of the State average per pupil expenditure (APPE) for the third preceding year, with limits of 80 and 120 percent of the national average (and special provisions for Puerto Rico). The previous law cost factor was not modified by P.L. 100-297.

census, but applying the criteria of poverty used in compiling the 1970 census; (b) in families receiving aid to families with dependent children (AFDC) payments in excess of the poverty level for a nonfarm family of four; plus (c) in foster homes or other institutions for the neglected and delinquent. In addition, in the allocation of 1/2 of basic grant appropriations above the fiscal year (FY) 1979 level, previous law required that grants be made at the State level on the basis of another formula population--children aged 5-17 years in families with income below 50 percent of the national median income for 4-person families, according to the 1976 Survey of Income and Education (SIE), with these funds sub-allocated to counties in proportion to the population described in the preceding sentence.

Under P.L. 100-297, three changes are made to the chapter 1 basic grant allocation formula. First, references to 1970 census poverty criteria are removed from the first formula described above; therefore, 1980 census poverty criteria can be applied to the 1980 census data currently used for chapter 1 allocations, and 1990 census poverty criteria to 1990 census data when these become available. Second, no funds will be allocated according to data from the 1976 SIE. Finally, if specified threshold appropriation levels are met, 4/ a State minimum is provided for chapter 1 basic grants for the first time; the minimum is 0.25 percent of total grants, with certain limits placed on resulting grant increases. 5/

4/ The State minimum for basic grants applied if either: (a) appropriations for basic grants exceed those for FY 1988 and $400 million or more is appropriated for concentration grants; or (b) the basic grant appropriation equals or exceeds the FY 1988 level plus $700 million. In addition, each individual State must receive a chapter 1 grant that equals or exceeds its grant for FY 1988.

5/ The application of this minimum cannot result in any State receiving grants greater than 150 percent of its previous year grant, or greater than 150 percent of the national average grant per child counted in the basic grant allocation formula.

P.L. 100-297 requires that all chapter 1, part A appropriations between $3.9 and $4.3 billion, plus 10 percent of appropriations above $4.3 billion, be reserved for concentration grants. 6/ The Act also substantially modifies the allocation formula and eligibility criteria for these grants to areas with relatively high numbers or percentages of children from low-income families. Under previous law, LEAs were eligible to receive chapter 1 concentration grants if they were in counties with 5,000 or more basic grant formula children, or where basic grant formula children constituted 20 percent or more of the total population aged 5-17 years. In allocating funds among eligible counties, only the number of formula children above the thresholds were counted. The concentration grant formula also provided a State minimum of 0.25 percent of total grants, and contained no provisions for allocation of State minimum grants to LEAs. 7/

The county eligibility thresholds for concentration grants are changed to 6,500 formula children, or a formula child rate of 15 percent, under P.L. 100-297. In allocating grants among counties meeting these thresholds, all formula children are counted if the county meets the 15 percent threshold, but only those above 6,500 otherwise. A cap, similar to that for chapter 1 basic grants, is placed on the 0.25 percent State minimum for concentration grants, 8/ and guidance is provided to States for the sub-allocation of these funds.

6/ The amount appropriated for chapter 1 basic grants thus far for FY 1988 is $3.83 billion.

7/ The previous law concentration formula had not been funded since FY 1981.

8/ The application of this minimum cannot result in any State receiving grants greater than 150 percent of its previous year grant, or greater than 150 percent of the national average grant per child counted in the concentration grant allocation formula.

The **parental involvement** requirements for the chapter 1 basic grant program are expanded, although they are stated in relatively broad terms. Parental involvement activities must be developed through "meaningful" consultation with parents of children participating in chapter 1, and must be of "sufficient size, and quality to give reasonable promise of substantial progress toward achieving the goals" of: informing parents about the chapter 1 program, supporting parents in the education of their children at home, continuously consulting with parents, and training school staff to work with parents. Each LEA receiving a chapter 1 grant must prepare written policies on parental involvement, convene an annual meeting of parents, report to parents on their children's progress in the chapter 1 program, and "to the extent practical" hold parent-teacher conferences. In addition, each such LEA may provide any of a number of other, specified, parental involvement activities and programs.

The chapter 1 provisions for services to children attending **nonpublic schools** remain essentially unchanged, with two exceptions. First, grants are authorized to pay the "capital expenses"--such as rental of space or transportation--that LEAs may incur in serving nonpublic school pupils under chapter 1. Appropriations for these grants will be allocated to the States in proportion to the number of nonpublic school pupils served under chapter 1 during the 1984-85 school year. Second, the Secretary of Education is required to develop procedures for resolving complaints from parents, teachers, or others regarding possible violations of the chapter 1 requirement to serve nonpublic school pupils.

Finally, a number of amendments to chapter 1 are intended to enhance **program improvement** activities. First, LEAs may use up to 5 percent of their chapter 1 grants for innovative projects, with the approval of the State

education agency (SEA). Second, fund-matching requirements for implementation of school-wide chapter 1 programs are removed, while requirements regarding accountability and adoption of effective schools policies are added. Third, LEA evaluations of chapter 1 programs are required to be conducted in accordance with national standards to be developed by the Department of Education (ED). Finally, the effectiveness of each participating school's chapter 1 program is to be assessed annually, with program improvement plans to be developed by the LEA for each school that does not make substantial progress toward raising the achievement of participants. If such locally-developed program improvement plans are ineffective, a joint plan for program improvement is to be developed in consultation with the SEA, using--if available--additional State grants that are authorized for this purpose (see part E).

B. Even Start Programs Operated by Local Educational Agencies
(title I, chapter 1, part B of the ESEA, as amended by P.L. 100-297)

- Authorizes a new program of grants to programs for joint early childhood and adult education of educationally disadvantaged young children and their parents

Under a new part B of ESEA title I, chapter 1, the Secretary of Education is authorized to make grants to LEAs for joint programs of education for educationally disadvantaged children, aged 1-7 years, and their parents. To be eligible to be served, the children must reside in a school attendance area in which a chapter 1 basic grant program is conducted, and the parents must be eligible to be served under the Adult Education Act (AEA)--i.e., not enrolled in school and not a high school graduate (or equivalent). The services provided may include early childhood education, training parents how to teach their children at home, and adult literacy training.

In any year in which appropriations for the even start program are less than $50 million, grants are to be made to LEAS directly by the Secretary of Education. If appropriations equal or exceed $50 million, the grants for even start programs are to be made to the States--in proportion to chapter 1 basic grants but with a State minimum generally set at the greater of 0.5 percent of all grants, or $250,000--and LEA grantees are to be selected by SEAs. In either case, grant recipients are to be selected through a review panel, consisting of specified types of individuals (e.g., an early childhood education specialist). The Federal share of program costs is limited to 90 percent for the first year of operations, declining to 60 percent for the fourth year. Even start programs may not receive grants for more than 4 years, and must be independently evaluated; the Secretary of Education is to submit a summary and review of these evaluations to the Congress by September 30, 1993.

C. Programs for Dropout Prevention and Secondary School Basic Skills Improvement (title I, chapter 1, part C and title VI of the ESEA, as amended by P.L. 100-297)

- o Continues for 1 year a program of national demonstration grants for dropout prevention and reentry activities;
- o Establishes a 1-year program of national demonstration grants for secondary school basic skills improvement; and
- o Establishes a new program of State formula grants for basic skills improvement and dropout prevention and reentry.

Title VI of the Hawkins-Stafford Amendments contains the "School Dropout Demonstration Assistance Act of 1988" and the "Secondary Schools Basic Skills Demonstration Assistance Act of 1988." The former act continues for fiscal year 1989 a program of national demonstration grants established by P.L. 100-202, an act making further continuing appropriations for fiscal year 1988. Local educational agencies receiving grants are able to use funds for a wide variety of dropout prevention and reentry activities, both within schools and

in cooperation with community organizations and businesses. The latter act authorizes for fiscal year 1989 a program of national demonstration grants to local educational agencies for a wide variety of activities to help secondary school students attain grade level proficiency in basic skills and learn more advanced skills. Among other things, title VI also requires the Secretary of Education to establish a standard definition of the term, "school dropout."

For fiscal years 1990 through 1993, the Hawkins-Stafford Amendments also establish a new program of State grants for secondary school programs for basic skills improvement and dropout prevention and reentry. In general, funds will be allocated to States in proportion to the chapter 1 basic grants their school districts receive for compensatory education. States in turn will allocate funds to local educational agencies that have the greatest need for services (based upon the number of low-income children, low-achieving children, or dropouts), that are representative or urban and rural regions, and that offer innovative approaches (or approaches allowing replication and dissemination) to improving achievement or reducing dropout rates. Local educational agencies may use funds for a wide variety of activities.

D. Programs Operated by State Agencies (title I, chapter 1, part D of the ESEA, as amended by P.L. 100-297)

1. Subpart 1: Programs for Migratory Children

- o Bases allocations to States on migrant children aged 3 to 21 years inclusive, rather than 5 to 17 years;
- o Allows preschool currently migratory children to be served before school-age formerly migratory children;
- o Provides that grants or contracts are to be issued to develop a national program of high school credit exchange and accrual;

- o Requires that after July 1, 1992, the contract for the Migrant Student Record Transfer System shall be awarded through competition; and
- o Establishes a National Commission on Migrant Education.

The chapter 1 migrant education program (MEP) provides grants to State educational agencies for programs meeting the special educational needs of migratory children of migrant agricultural workers and fishermen. Most programs are actually administered by local educational agencies. Children who are formerly migratory may be served for 5 additional years. The MEP also provides assistance to State educational agencies for interstate and intrastate program coordination.

The Hawkins-Stafford Amendments change the formula by which MEP funds are provided to States. Allocations are to be based upon counts of migrant children (or their full-time equivalents) aged 3 to 21 years, inclusive, not just those 5 to 17 years. In counting such children, States are limited to an error rate of 5 percent. The Secretary of Education is to develop a national standard form for certifying student eligibility. States are allowed to serve preschool currently migratory children before school-age formerly migratory children.

The Amendments also permit coordination assistance to State educational agencies to be provided through grants, not only contracts. Either grants or contracts are to be made to develop and establish a national program or credit exchange or accrual. The contract for the Migrant Student Record Transfer System initially is to be awarded to the State educational agency having it the preceding year, unless a majority of States object; after July 1, 1992, and every 4 years thereafter, the contract is to be awarded through competition.

Separately--under title I, chapter 1, part F of the ESEA, as amended by P.L. 100-297--a National Commission on Migrant Education is created. The

Commission is to be an independent agency with 12 members selected by the President, the Speaker of the House, and the President pro tempore of the Senate. The Commission is to prepare reports on the educational needs of, and services available to, migrant students, including a study specifically of the Migrant Student Record Transfer System.

2. Subpart 2: Programs for Handicapped Children

- o Requires greater consistency and coordination with the Education of the Handicapped Act; and
- o Removes application of certain chapter 1 requirements.

The purpose of the State handicapped program, commonly referred to as the 89-313 program after its initial enactment in P.L. 89-313, is to provide Federal assistance to States to help with the education of handicapped children in State-operated schools, in programs supported by the State, or children who have left such programs and are served by local education agencies. The amendments contained in P.L. 100-297 do not change the basic purpose of the program, but expand the ties between this State agency program for the handicapped and the Education of the Handicapped Act (EHA).

The changes to increase conformity with EHA include requirements of State application assurances concerning the provision of a free, appropriate public education to those served, and the provision of all the rights and procedural safeguards under part B of the EHA (the basic State grant program) to the handicapped children and their parents. In addition, the amendments require that States coordinate services under this program with those provided under EHA.

Administratively, the amendments specify that all handicapped children, birth through 21 years of age, shall be included in the count of those served, change the date for recording the count of children to be served to December 1

in conformity with the EHA, part B count, and require Department of Education officials to monitor the program at the same time as they monitor special education programs under the EHA. State education agencies are also required to submit an annual report providing descriptive data on children served and programs funded that were not previously available. Under section 6203 of P.L. 100-297, the GAO is also required to conduct a special study of the State use of funds, types of programs provided, and procedures for transfer of children to local agencies under the 89-313 program.

Several of the general chapter 1 program requirements were also deleted or modified to more appropriately reflect the handicapped population being served by this program. The annual needs assessment requirement was deleted because it is redundant given the EHA requirement for individual assessment of each child referred for special education. The evaluation requirement was modified by deleting the requirement to use "objective measures of student achievement," since these may not be appropriate for handicapped children. The parent participation requirement was changed to require only the opportunity to participate in the development of project applications, given the more extensive parent rights guarantees under part B of the EHA.

3. Subpart 3: Programs for Neglected and Delinquent Children

   - o Evaluation requirements are introduced; and
   - o States are allowed to use a portion of grants for transition services.

This program provides grants to a variety of State agencies for the education of youth in State institutions for the neglected and delinquent. For the first time, P.L. 100-297 requires that these programs be evaluated with respect to pupil achievement and transition to an educational program operated by an LEA.

In addition, States are authorized to reserve up to 10 percent of grants for services to facilitate the transition of pupils to LEA programs. Grants for such transition activities have been authorized previously, but it was necessary for funds to be separately appropriated for them, and no such appropriations have been appropriated in recent years. Finally, P.L. 100-297 provides that pupils who are eligible to be served under both the neglected and delinquent program and the State agency program for the handicapped may be counted for allocation eligibility, and be served, under both programs.

E. General Provisions
(title I, chapter 1, parts E and F of the ESEA, as amended by P.L. 100-297)

- o Sets the authorized level of payments for State administration of chapter 1 programs at the greater of 1 percent of grants under parts A and D, or $325,000 (previously, $250,000) per State;
- o Limits to 15 percent the share of State administration grants that may be used to pay for indirect--i.e., general administrative overhead--costs;
- o Authorizes a new type of grant to SEAs, to help pay the developing and implementing school improvement programs; 9/
- o Revises the processes for developing Federal and State chapter 1 regulations;
- o Limits the share of chapter 1 grants that may carried over to the succeeding fiscal year;
- o Requires the use of national standards in the evaluation of chapter 1 programs, and mandates a relatively long-term study of the effects of chapter 1 programs on participants; and
- o Authorizes a new Rural Educational Opportunities program.

9/ The maximum level of these grants is the greater of 0.25 percent of grants under parts A and D, or $90,000, for FY 1989-1991, and 0.5 percent, or $180,000, for FY 1992-1993.

A number of new or substantially revised requirements or authorizations are added to the General Provisions part of chapter 1. Regarding Federal program regulations, it is required that the Secretary of Education convene regional meetings to receive advice from administrators and practitioners before proposed regulations are published. For a minimum of 4 issues, new regulations are to be developed through a "negotiated rulemaking" process (as specified in 47 Federal Register 30708, June 18, 1982). In addition, the Secretary is to prepare and disseminate a policy manual containing the chapter 1 statute, regulations, court decisions, and other official guidance; and is to review State and local administration of chapter 1 programs. The Secretary must respond within 90 days to any written request for guidance from a chapter 1 grantee.

Previously, there has been no limit on the share of grant funds that chapter 1 grantees could carry over from the year of receipt to the succeeding fiscal year. However, P.L. 100-297 generally limits these carry-over funds to no more than 25 percent for FY 1989, and 15 percent for FY 1990 and thereafter.

The Secretary of Education is to develop, and grantees apply, national standards for the evaluation of chapter 1 programs. The Secretary is also to contract for a national evaluation of the relatively long-term effects--on achievement, dropout rates, enrollment in postsecondary education, employment, and earnings--of chapter 1 participation on individuals through the age of 25 years.

Finally, a new rural education opportunities program is authorized. The purpose of the program is to establish at least 10 regional centers providing technical assistance--through electronic and other means--to State and local educational agencies for the education of disadvantaged children attending rural or small schools.

II. EDUCATION BLOCK GRANT

- o Replaces the former chapter 2 education block grant program with a new chapter 2 program for a partnership for educational improvement;
- o Rewrites program objectives to include school improvement, innovative activities, and "effective schools" programs;
- o Specifies local uses of funds as "targeted assistance" programs, and State level uses of funds as administrative activities, technical assistance and related activities, and "effective schools" programs; and
- o Retains most national programs (the National Diffusion Network, inexpensive book distribution, arts in education, and law-related education programs); authorizes a new program--blue ribbon schools; and terminates the Secretary's discretionary projects.

The structure and administrative provisions of the new chapter 2 program for a Federal, State, and local partnership for educational improvement is similar in many respects to the former chapter 2 education block grant program, which is repealed. Authorized State and local uses of funds are no longer governed by programs antecedent to the block grant; instead, authorized activities are specified. State uses of funds are specified as administrative activities (not more than 25 percent of available funds), technical assistance and related activities, and "effective schools" programs (at least 20 percent). "Targeted assistance" programs are authorized at the local level; these include: dropout programs; acquisition of instructional and educational materials, including computer software and hardware for instructional use; innovative and "effective schools" programs; training and professional development; student achievement and excellence; and other innovative projects, such as

student achievement and excellence; and other innovative projects, such as gifted and talented students, technology education, early childhood education, community education, or youth suicide prevention.

Chapter 2 national programs and activities continue the authorizations for the National Diffusion Network, inexpensive book distribution, arts in education, and law-related education programs; a new blue ribbon schools program is authorized to recognize excellence and quality in elementary and secondary schools. The former chapter 2 Secretary's discretionary projects and the alcohol and drug abuse education program are terminated; however, the new ESEA title IV, part F (see section XI H of this report), authorizes a Secretary's fund for innovation in education and the new ESEA title V (see section VII of this report) authorizes drug education programs.

III. BILINGUAL EDUCATION

- o Extends the Bilingual Education Act (BEA) with no major change in purpose;
- o Increases local flexibility to use funds for the support of transitional bilingual education programs and special alternative instructional programs; and
- o Expands provisions regarding administration, evaluation, and research.

The purpose of the BEA is to help limited English proficient (LEP) students acquire the English language proficiency necessary to enter regular all-English classes, while simultaneously meeting grade promotion and graduation standards. Discretionary grants are allocated to fund local bilingual programs operated by local educational agencies, higher education institutions, and nonprofit organizations.

P.L. 100-297 increases local flexibility to use funds for the support of transitional bilingual education programs and special alternative instructional programs. Sixty percent of the appropriated funds are reserved for local bilingual programs, with 75 percent of these funds used for transitional bilingual education and up to 25 percent used for special alternative instruction. Previously, only 4 percent of appropriated funds were available for the use of special alternative--i.e., nonbilingual--instructional programs.

The Secretary of Education, when awarding grants for special alternative instruction, must now give priority to districts that have: (1) small numbers of students of a particular native language, (2) limited qualified personnel to

provide bilingual services, or (3) few LEP students and have difficulty in obtaining a native language instructor because of regional location or isolation. Remaining programs such as academic excellence, family English literacy, bilingual preschool, special education, and gifted and talented may also be funded under local bilingual programs. The development of instructional materials is no longer included among authorized uses of local program funds.

Several provisions are added or expanded regarding administration, evaluation, and research. There is now a given length of time during which participants may stay in bilingual programs. Students may participate in programs for no longer than 3 years in general, with an absolute maximum of no more than 5 years if sufficient need can be demonstrated. The amount for State educational agency awards is increased from $50,000 to $75,000 or 5 percent of the State's total of local project grants within the previous year, whichever amount is greater. P.L. 100-297 requires the Director of the Office of Bilingual Education and Minority Languages Affairs (OBEMLA) to submit an annual report on bilingual education to Congress and the President; and the Secretary of Education must submit reports on the condition of bilingual education in 1991 and 1992 to the President and now, the appropriate committees of Congress. Finally, the National Advisory and Coordinating Council on Bilingual Education is eliminated.

IV. IMPACT AID

- o Simplifies procedures for determining maximum payments under sections 3(a) and 3(b) 10/ of P.L. 81-874;
- o Changes the percentage of preliminary payments some districts receive under sections 2 and 3;
- o Creates a payment determination system for section 2 and section 3 payments when appropriations are less than authorization levels; and
- o Specifies "hold harmless" rules for some categories of districts.

The Impact Aid programs operate under companion pieces of legislation: P.L. 81-874 and P.L. 81-815. P.L. 100-297 has made significant changes in Impact Aid, however, it has not fundamentally changed these programs. P.L. 81-874 provides financial assistance to local school districts in which the Federal Government owns significant amounts of property, thereby reducing local taxes used for schools (section 2); in which Federal activity results in an increase in students requiring public education (section 3); or in which natural disaster necessitates repair of school facilities (section 7). P.L. 81-815 provides funds to local school districts for the construction and repair of urgently needed school facilities for federally connected children.

10/ Section 3(a) provides payments based on the number of students whose parents live and work on Federal property and students who reside on Indian lands. Section 3(b) bases payments on the number of students whose parents live or work on Federal property.

Maximum authorized payments for section 3 are based on some percent of the Local Contribution Rate (LCR) 11/ times the number of students in a given category. In the past, maximum payments varied according to different subgroups of 3(a) and 3(b) students. For example, 3(b) maximum payments varied between 1.5 percent and 17 percent of the LCR for various categories of 3(b) students. P.L. 100-297 has simplified the determination of districts' maximum payments by specifying that this amount for all 3(a) students is 100 percent of the LCR and 25 percent for all 3(b) students.

P.L. 100-297 changes the maximum preliminary payments to some districts and the timing of such payments. Previously, the Act directed the Department of Education to pay districts that applied for preliminary payments 75 percent of their payment in the previous fiscal year. Such payments were to be made within the first 30 days after the beginning of the fiscal year. P.L. 100-297 amends sec. 5(b)(2) to provide preliminary payments of 75 percent of the previous year's payment only for "super a" districts. 12/ All other districts applying for preliminary payments are to receive 50 percent of the previous payment. ED is to make these payments "as soon as possible after the beginning of any fiscal year."

P.L. 100-297 creates a tier system for section 2 and section 3 payments based on districts' percentages and types of federally connected students. 13/

11/ The LCR is defined as the average amount of current educational expenditures derived from local revenue.

12/ These are districts with average daily attend.nce composed of at least 20 percent 3(a) students.

13/ Recently, language in appropriations legislation has superceded methods for making Impact Aid payments that are specified in the Act. For example, in FY 1988, the Further Continuing Resolution (P.L. 100-202) specified that districts whose average daily attendance was at least 20 percent 3(a) students received 100 percent of their 3(a) entitlement; those districts with 15 percent to 19.9 percent 3(a) students received 75 percent of their 3(a)

(continued...)

The following outlines the priority in which section 2 and section 3 funds are distributed:

1. Districts entitled to section 2 and 3(d)(2)(B) 14/ payments receive 100 percent of their entitlement.

2. Districts receive 50 percent of their entitlement for handicapped students who are federally connected.

3. Eighty percent of the remaining funds is reserved for section 3(a) payments and 20 percent for section 3(b) payments.

4. Section 3(a) payments are then distributed according to the following table:

Type of district	Percent of 3(a) children in district	Percentage of entitlement Step 1	Step 2	Step 3
"Super a"	20-10%	80%	20%	0%
"Sub-super a"	15-19.9%	60%	15%	25%
"Regular a"	0-14.9%	40%	10%	50%

If there is insufficient money for full funding of any step, "super a" districts receive 72 percent of the funds available, "sub-super a" districts receive 3 percent of the funds, and "regular a" districts receive 25 percent.

13/ (...continued)
entitlement; and those with fewer than 15 percent 3(a) students had their entitlements ratably reduced.

14/ Section 3(d)(2)(B) authorizes the Secretary of Education to make additional payments on a discretionary basis to school districts that could not otherwise provide education equivalent to that provided by comparable school districts in its State, if at least 50 percent of the district's total average daily attendance is comprised of federally connected students.

1. Section 3(b) payments are distributed according to the following table:

Type of district	Percentage of 3(b) children in district	Percentage of entitlement Step 1	Step 2	Step 3
"Super b	"20-100%	20%	30%	50%
"Regular b"	0-19.9%	10%	5%	85%

If there is insufficient money for full funding of any step, "super b" districts receive 75 percent of the funds available and "regular b" districts receive 25 percent of the funds.

P.L. 100-297 provides that all 3(a) payments and payments for "super b" districts 15/ shall be "held harmless" at FY 1987 levels, unless the status of the district has changed (e.g., a "super b" district has become a "regular b") or unless appropriations are insufficient for full payment under this provision. In the latter case, grants are to be reduced in proportion to the "hold harmless" levels.

15/ These are districts for which 3(b) students make up at least 20 percent of the average daily attendance.

V. SCIENCE AND MATHEMATICS EDUCATION

- o Deletes improvement in computer education and foreign language instruction as a focus of program activities;
- o Directs a greater percentage of program funds to local educational agencies and delineates in greater detail their eligible activities; and
- o Substantially reduces the funds available to the Secretary of Education.

The Hawkins-Stafford Amendments replace the mathematics and science education program of title II, Education for Economic Security Act (EESA), with a new title II, Critical Skills Improvement, of the ESEA. Part A of the revised ESEA title II is the Dwight D. Eisenhower Mathematics and Science Education Act, referred to hereafter as the "Eisenhower Act." Part B is a new authorization for Foreign Languages Assistance (discussed later in this report, see section XI B). Part C of the amended ESEA title II authorizes Presidential Awards for Teaching Excellence in Mathematics and Science and in Foreign Languages--a direct extension of a current authority except for the addition of foreign language teachers. Finally, P.L. 100-297 also extends the previously authorized, but not funded, EESA title III program of partnerships in education.

Under P.L. 100-297, the math/science education program of the Eisenhower Act is intended to improve instruction in math and science; prior law included improvement of computer learning and foreign language instruction. Ninety-five percent of the annual appropriation is to be allocated among the States on the

basis of the 5-17 year old population and the previous year's chapter 1 (compensatory education) State allocations; prior law allocated 90 percent among the States solely on the basis of 5-17 year old population. The Eisenhower Act provides 4 percent of the annual appropriation to the Secretary of Education for programs of "national significance;" prior law dedicated 9 percent to this purpose. Compared to prior law, P.L. 100-297 increases the percentage of total appropriations allocated directly to local educational agencies (approximately 64 percent of the annual appropriation under current law, approximately 44 percent under prior law).

The Eisenhower Act specifies in greater detail the activities authorized for local educational agencies, e.g., recruiting minority teachers to math and science, and training teachers in instructional uses of computers in these subjects. The Secretary is newly required to submit a summary of State and local program evaluations biannually to the Congress.

VI. ADULT EDUCATION

- Rewrites and extends the Adult Education Act (AEA) through FY 1993, but without a major change in purpose;
- Gives priority to funding local programs that serve educationally disadvantaged adults--those with basic skills equivalent to no more than the fifth grade level;
- Places a 5 percent limitation on State and local use of AEA funds for administration; mandates evaluation of State programs; reduces the maximum Federal share of program costs from 90 percent to 75 percent;
- Authorizes two new programs: workplace literacy partnerships (to improve the productivity of the workforce), and English literacy grants (to assist English literacy programs for adults with limited-English proficiency); and
- Expands national programs; establishes an information clearinghouse on literacy curricula; terminates the national advisory council on adult education; specifies funding priority for programs for migrant farmworkers, literacy volunteer training, and assistance for the evaluation of State programs.

The purpose of the AEA is the improvement of educational opportunities for adults who lack the level of literacy skills needed for effective citizenship and productive employment. Grants are allocated by formula to States to fund adult education programs operated by eligible recipients, specified as local educational agencies and public or private nonprofit agencies, organizations, and institutions. The allotment formula is modified to reduce allocations to the outlying areas. A new priority is specified for funding local programs that serve educationally disadvantaged adults--those with basic skills equivalent to no higher than the fifth grade level.

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State and local program requirements are generally similar to those in former law, except that: (1) the use of AEA funds for State administrative expenses is limited to 5 percent (of each State grant) or $50,000, whichever is greater; (2) local administrative and related expenses are limited to 5 percent; (3) States must evaluate at least one-third of all grant recipients every 4 years; (4) the maximum Federal share of program costs is periodically reduced from 90 percent in FY 1988 to 75 percent in FY 1992 (the Federal share remains at 100 percent for outlying areas); and (5) State rules and policies relating to the administration and operation of AEA programs must be identified as State imposed requirements.

Two new AEA programs are separately authorized: workplace literacy partnerships grants and English literacy grants. Demonstration grants for literacy partnerships provide adult literacy and training skills to improve the productivity of the workforce. Partnerships consist of (a) business, industry, labor organizations, or private industry councils and (b) State or local educational agencies, institutions of higher education, or schools (including area vocational schools, employment and training agencies, and community-based organizations). Demonstration grants for English literacy programs assist programs for adults with limited-English proficiency. At least 50 percent of each grant must be used for English proficiency programs operated by community-based organizations.

The AEA authorizes several types of national activities related to adult education. Funding for these activities is authorized at no more than $3 million, but only if the total amount appropriated for the AEA exceeds $108 million (formerly, up to 5 percent of AEA funds could be reserved, but only if the total was at least $112 million). Funding priorities are specified for programs that meet the special educational needs of migrant farmworkers,

programs to train adult volunteers as literacy tutors, and assistance for the evaluation of State programs. An information clearinghouse on literacy curricula is established; the national advisory council on adult education is terminated. Within 2 years of enactment, the Secretary is authorized to establish criteria for defining illiteracy and accurately estimate the number of illiterate adults in the Nation. Programs for the education of adult Indians, formerly authorized under the AEA, are now authorized as part of the Indian Education Act of 1988 (part C of title V of P.L. 100-297).

VII. DRUG EDUCATION

- o Reauthorizes the Drug-Free Schools and Communities Act as a new title V of the ESEA;
- o Authorizes use of funds for youth suicide prevention programs, and mandates preparation of a report on the relationship between alcohol and drug abuse with youth suicide; and
- o Establishes several new application requirements.

The "Drug-Free Schools and Communities Act of 1986," title IV, subtitle B of P.L. 99-570, the Anti-Drug Abuse Act of 1986, is reauthorized as title V of the ESEA by P.L. 100-297. Although this legislation is extended, few major amendments are made to its provisions.

The revised drug abuse education program provides that the grants and contracts program authorized by the Governor may include a youth suicide prevention program, and requires that applications submitted by States include a description of how the alcohol and drug abuse programs will be coordinated with youth suicide prevention programs funded by the Federal Government, State and local governments, and nongovernmental agencies and organizations.

The formula by which State educational agencies allot grants under this authority to local or intermediate agencies or consortia is changed so that funds are distributed based on the relative numbers of children enrolled in public and private nonprofit schools, rather than on the school-age population residing within these agencies.

Local educational agency applications to the State educational agency for funds under this authority are required to include a description of the extent

of the current drug and alcohol problem in the schools of the applicant. Further, each local applicant must submit to the State educational agency a progress report on the first 2 years of implementation of its plan, including significant accomplishments and the extent to which the original objectives of the plan are being achieved. Finally, the Secretary of Education in conjunction with the Secretary of Health and Human Services is required to prepare a study of the relationship between drug and alcohol abuse and youth suicide in a report to be submitted to the President and the appropriate committees of the Congress.

VIII. INDIAN AND NATIVE HAWAIIAN EDUCATION

A. Indian Education (title V of P.L. 100-297)

- o Amends education programs administered by the Bureau of Indian Affairs (BIA); restricts BIA authority regarding school closings, program curtailment, cost formulas for funding BIA schools, and personnel costs; "freezes" BIA education-related regulations through July 1, 1989;
- o Rewrites the tribally controlled school program to provide a single, general purpose grant that consolidates all Federal education funds for a given school;
- o Rewrites and consolidates into a single act Indian education programs administered by the Department of Education; prohibits ED from imposing Indian student eligibility standards more restrictive than required for the 1985-86 academic year; requires Indian personnel preference at the Office of Indian Education at ED; and
- o Authorizes new Indian education programs and activities, including administrative cost grants for BIA schools, early childhood development, tribal departments of education, gifted and talented, and a White House Conference on Indian Education.

The authorizing legislation for education programs administered by the BIA is amended, under title V, part A of P.L. 100-297, the Indian Education Amendments of 1988. Changes are made to various administrative provisions to limit the authority of the BIA and the Secretary of the Interior in the operation of local Indian education programs and to increase local flexibility and discretion. For example, tribal governing bodies must give approval before the Secretary can close or consolidate a BIA school, and may waive specific

regulatory provisions issued by the Secretary. Regulations for BIA schools are "frozen" through July 1, 1989 (except for regulations to implement this act or provisions enacted prior to this act). The allotment formula for determining the minimum annual funds needed to sustain a BIA or contract school is amended to require the Secretary to use specific adjustment factors in calculating these amounts; factors include the grade level and types of the students, the provision of residential services, and the size of the school. The Secretary is required to conduct a study of, and establish standards for, personnel compensation rates at BIA funded schools. Fiscal provisions are amended for the Navajo Community College Act and the Tribally Controlled Community College Assistance Act of 1978.

The tribally controlled school program is rewritten to provide a single, general purpose grant that consolidates all Federal education funds for a given school. Upon request, the Secretary of the Interior shall make grants to Indian tribes and tribal organizations; applications are to be approved unless the Secretary finds "clear and convincing" evidence that services would be "deleterious" to the welfare of Indians served by the programs.

Various Indian education programs administered by ED are rewritten and consolidated into the Indian Education Act of 1988. The Act includes grants to: assist local educational agencies in the provision of education for Indian children; improve educational opportunities for Indian children, including evaluation, technical assistance, personnel training, and fellowships for higher education programs; and support education, training, and literacy programs for adult Indians. The assistance program for local educational agencies contains a special provision to require the Secretary to use the eligibility forms and standards of proof that were in use during the 1985-86 academic year in determining the eligibility of Indian students. Provisions are made for an

Office of Indian Education at ED and a National Advisory Council on Indian Education; Indian personnel preference is required at the Office. Technical amendments are made to the authorization for the Institute of American Indian and Alaska Native Culture and Arts Development.

Several new Indian education programs are authorized. Administrative cost grants for BIA schools provide funds for administration and indirect costs for operating BIA contract schools. The early childhood development program authorizes the Secretary of the Interior to make grants to tribes and tribal organizations to coordinate existing programs and to provide education and health services for parents and their children. Grants are authorized to develop and operate tribal departments of education to plan and coordinate all educational programs of the tribe. The gifted and talented program authorizes the Secretary of Education to make grants to establish centers for gifted and talented Indian students, and to make awards for a variety of other subjects. The President is to call and conduct a White House Conference on Indian Education before September 30, 1991, to consider establishing an independent U.S. Board of Indian Education and to improve the relevancy of Indian education programs.

B. Native Hawaiian Education
(title IV of P.L. 100-297)

- o It is declared that the Federal Government has a "legal responsibility to enforce the . . . State of Hawaii's public trust responsibility for the betterment of the conditions of Native Hawaiians" (sec. 4001(1)).

- o Five new programs are authorized to provide educational assistance to Native Hawaiians from the prekindergarten through postsecondary levels. The programs authorized are: a Native Hawaiian Model Curriculum Implementation Project; Native Hawaiian Family-Based Education Centers; a Native Hawaiian Higher Education Demonstration Program; a Native Hawaiian Gifted and Talented Demonstration Program; and a Native Hawaiian Special Education Program.

IX. EDUCATIONAL STATISTICS AND ASSESSMENT

A. Educational Statistics (title III, part A of P.L. 100-297)

- o Creates the National Center for Education Statistics (NCES) within the Office of Educational Research and Improvement (OERI) of the Department of Education, replacing the Center for Education Statistics;
- o Designates as head of the NCES the Commissioner of Education Statistics, appointed by the President, replacing the former Director of CES, appointed by the Assistant Secretary for Educational Research and Improvement;
- o Gives the NCES Commissioner independent authority to administer statistical activities, including contracts and other financial arrangements and staff selection;
- o Requires protection of the confidentiality of individual respondents in surveys conducted or authorized by the NCES; and
- o Authorizes several new reports and studies, including regular reports on education indicators, an annual national survey of dropout and retention rates, a survey of student financial aid, a longitudinal survey of educational progress, and a study of the effects of higher standards resulting from school reform efforts.

The NCES replaces the CES within the OERI (the NCES was the name of the education statistics agency prior the reorganization of the OERI by the Higher Education Amendments of 1986). The NCES is to be headed by a Commissioner of Education Statistics, appointed for terms of 4 years by the President, with the advice and consent of the Senate; the Commissioner must have substantial experience and knowledge of NCES programs. The CES has been headed by a Director, appointed by the Assistant Secretary for Educational Research and

Improvement. The first term of the Commissioner is to begin June 21, 1991; until that time, P.L. 100-297 authorizes the individual serving as Director of the CES to serve as acting Commissioner of NCES.

Two reports on education statistics are required to be submitted annually to the Congress, the first by the Commissioner on the condition of education in the United States, and the second by the Secretary on the State of Education in the Nation; only the condition of education report was required under former law, to be submitted by the Secretary. The NCES is responsible for a number of reports, studies, and related educational activities, including: regular public reports on education indicators, such as dropout and retention rates, the results of education, supply of and demand for education personnel, libraries, and financial aid; an annual national survey of, and an annual report to the Congress on, dropout and retention rates; a national study and survey of postsecondary student financial aid every 3 years; a report every 10 years on the social and economic status of children who reside in different school districts, according to the most recent decennial census; a national longitudinal survey of the educational progress, intellectual development, and economic prosperity of a sample of elementary, secondary, and postsecondary students; a cooperative system of annual data collection for public libraries; and a study on the effects of higher standards prompted by school reform efforts. With the exception of the postsecondary student financial aid survey, these reports are new requirements.

The NCES Commissioner has independent authority to administer education statistical activities, including contracts and other financial arrangements. The Commissioner is authorized to: prepare and publish documents and other reports, as required or deemed appropriate; use sampling techniques to gather statistics; and select staff, subject to competitive civil service provisions.

(Under former law, only the Secretary was authorized to administer education research and statistical activities, either directly or through grants, contracts, and cooperative agreements.) The protection of the confidentiality of individual respondents--including students, teachers, and administrators, but not States, local educational agencies, or schools--is required in surveys conducted or authorized by the NCES. This provision applies to individually identifiable data that are in the possession of NCES or any of its employees, contractors, or agents. No such confidentiality provisions were contained in the previous legislation authorizing the CES.

B. National Assessment of Educational Progress
(title III, part C of P.L. 100-297)

- o Rewrites the authorization of the National Assessment of Educational Progress (NAEP); makes the NAEP the responsibility of the Commissioner of Education Statistics;
- o Increases the required frequency of NAEP assessments and specifies the subjects in greater detail than under former law; and
- o Authorizes State demonstration assessments in 1990 and 1992, on a voluntary basis, to determine whether such assessments can yield valid, reliable data.

The NAEP authorization is rewritten as part of the NCES, and made the responsibility of the Commissioner of Education Statistics. The NAEP was formerly authorized as part of OERI, under the responsibility of the Assistant Secretary for Educational Research and Improvement. The purpose of the NAEP is to assess the performance of children and adults in basic educational skills. The NAEP must collect and report data at least every 2 years for reading and mathematics, 4 years for writing and science, 6 years for "history/geography" and other subjects. Reports are required every 2 years on students ages 9, 13, and 17 and in grades 4, 8, and 12; an assessment of adult literacy is

specifically authorized. Under former law, reporting requirements were less frequent and less specific.

State demonstration assessments are authorized for mathematics in 1990, and mathematics and reading in 1992, on a voluntary basis, to determine whether such assessments can yield valid, reliable data representative of States. State data may be published only with State review and permission. Participating States are responsible for paying the non-Federal share of State assessments. An evaluation of the demonstration is required. The use of demonstration assessments to rank, compare, or otherwise evaluate individual students, schools, or school districts is prohibited.

The public is given the right of access to most NAEP data, questions, and test instruments (except for information on individual students, their families, and individual schools); such access was not specified under former law. A National Assessment Governing Board, appointed by the Secretary, is established to formulate the policy guidelines for the NAEP. Not more than 10 percent of the funds appropriated for the NAEP may be used by the Board for administrative expenses. Under former law, the organization that carried out the NAEP was required to establish a 19-member Assessment Policy Committee to design and supervise the conduct of the NAEP.

X. DEPARTMENT OF EDUCATION AUDIT PROCEDURES

- o Revises provisions for ED enforcement of education assistance program requirements for grant recipients;
- o Replaces the Education Appeals Board with an Office of Administrative Law Judges in the Department of Education; and
- o Substantially amends the measures for recovery of misspent funds.

Title III, part D of the Hawkins-Stafford Amendments contains a series of amendments to the General Education Provisions Act (GEPA; title IV, P.L. 90-247, as amended) regarding ED enforcement of grantee compliance with ED program requirements. These amendments generally relate to the disposition of audit findings that grantees have violated program requirements for the use of Federal funds. Unlike other P.L. 100-297 provisions, these take effect 180 days after enactment.

When an audit finding is made that a recipient may have misspent funds under an ED program, the Secretary is to issue a preliminary determination to the grantee that is to include notice of appeal and mediation rights. In making this preliminary determination, the burden of proof that funds have been misspent in such cases is placed on the ED, not on the recipient, unless the recipient has failed to keep records required by law. Preliminary audit determinations involving less than $200,000 may be compromised by the Secretary, if the practices that lead to the preliminary determination have been corrected. Recipients are not required to return funds expended more than 5 years before receipt of a preliminary determination from the ED.

Appeals by grantees of audit findings that program funds have been misspent may be made to an Office of Administrative Law Judges, which replaces the former Education Appeals Board. At the appeals stage, the burden of proof that funds identified in the audit as having been misspent should not be returned falls upon the grant recipient. Regulations for the new Office are to incorporate the hearing rights granted under the Administrative Procedures Act and the Equal Access to Justice Act, and provide for a process of discovery--production of relevant documents, taking of depositions, etc.--to parties to an audit. The Secretary must also establish a process for voluntary mediation of disputes pending before the Office of Administrative Law Judges. A decision by the Office of Administrative Law Judges may be appealed to the Secretary of Education, who may modify or set aside the decision, or remand the case to the Office. Any such final action by the Secretary may be appealed to the United States Court of Appeals.

When a grant recipient has exhausted all appeals of a preliminary audit determination, the amount of funds that must be returned to the ED is to be proportional to the amount of harm to an "identifiable Federal interest" that resulted from the violation of program requirements, taking into account a variety of specified mitigating circumstances, such as lack of guidance from ED officials. The Secretary of Education may return up to 75 percent of recovered funds to the original recipient if he or she finds that the unlawful practices that led to the audit determination have been corrected, and if such a return of funds would serve the purposes of the program under which they were initially granted. Notices of intent to grant back a portion of recovered funds must be published in the Federal Register, with an opportunity for public comment.

Other methods by which the Secretary of Education may enforce compliance with ED program requirements include the withholding of further grants under the relevant program(s), issuing of cease and desist orders, or entering into compliance agreements. Under the compliance agreements, it would be established that the recipient cannot fully meet all program requirements at present, but would be committed to fully meeting them by a specified future date.

XI. OTHER SPECIAL PROGRAMS

A. Magnet Schools Assistance
(title III of the ESEA, as amended by P.L. 100-297)

- o Significantly increases the appropriations authorization for FY 1989;
- o For any annually appropriated funds above $75 million, establishes a funding priority for local educational agencies that have not participated in the program during the most recent funding cycle; and
- o Includes sex and handicap among the nondiscrimination requirements that all grant recipients must meet.
- o Requires grant recipients to encourage greater parental involvement

The Hawkins-Stafford Amendments extend the authorization for the Magnet Schools Assistance program, previously under title VII of the Education for Economic Security Act, as a revised title III of the ESEA. This program provides assistance for activities related to magnet schools (i.e., schools offering a curriculum capable of attracting students of different racial backgrounds). The purposes of the program are to address minority group isolation in schools, and to support instruction within magnet schools that will strengthen students' academic knowledge and their marketable vocational skills. Only LEAs currently implementing a desegregation plan ordered by a court or State official, or agreeing to adopt a desegregation plan, can receive assistance under this program.

B. Foreign Languages Assistance: The Foreign Language Assistance Act of 1988
(title II, part B of the ESEA, as amended by P.L. 100-297)

- o Authorizes grants to States for elementary and secondary school foreign language education programs.

This Act authorizes grants to the States for model local programs of elementary and secondary school instruction in foreign languages. Appropriations for this program are to be allocated to States on the basis of population aged 5-17 years, with a State minimum of 0.5 percent of the total grants, and 1 percent set-aside for the outlying areas. The Federal share of the costs of these programs is generally to be 50 percent. States are to receive grants for 2 additional years if the Secretary of Education finds that initial year grants have been used in accordance with the State's application.

States are to grant funds to local educational agencies (LEAs) on a competitive basis. Local grant recipients are to provide alternative, innovative foreign language instruction programs, serve nonpublic as well as public school pupils in the LEA, and to evaluate the proficiency of participants.

C. Women's Educational Equity
(title IV, part A of the ESEA, as amended by P.L. 100-297)

- o Extends the Women's Educational Equity Act, but terminates the National Advisory Council on Women's Educational Programs.

The Women's Educational Equity Act (WEEA) authorizes the Secretary of Education to award grants and contracts to organizations or individuals to develop materials, initiate model training programs, conduct research, provide guidance and counseling activities, and provide other educational activities and programs that promote educational equity for women and girls in the United States.

The only major change P.L. 100-297 makes to WEEA is to terminate the National Advisory Council on Women's Educational Programs. The purposes of the Council were to advise Congress, the Secretary, and Federal agencies on matters related to women's educational equity; to make recommendations to the Secretary regarding priorities for WEEA grants and contracts; to report on the Council's activities; and to disseminate information. The Council goes out of existence on the effective date of P.L. 100-297, July 1, 1988.

D. Gifted and Talented Children
(title IV, part B of the ESEA, as amended by P.L. 100-297)

- o Authorizes a new Federal program of grants specifically for the education of gifted and talented children; and
- o Establishes a National Center for Research and Development in the Education of Gifted and Talented Children and Youth.

The Hawkins-Stafford Amendments establish a new title IV, part B of the ESEA as the Jacob K. Javits Gifted and Talented Students Education Act of 1988 (hereafter referred to as the Javits Act). Under previous law, education programs for the gifted and talented were among the purposes for which funds granted under chapter 2 of the ECIA could be used, but there were no specific Federal programs for this purpose. The most recent previous Federal program for the education of gifted and talented children was title IX, part A of the ESEA, that was consolidated into ECIA chapter 2 under terms of the 1981 legislation.

Under the Javits Act, grants and contracts are to be made on a discretionary basis by the Secretary of Education to a wide variety of educational agencies and organizations for activities intended to meet the special educational needs of gifted and talented students. Activities for which funds may be used include personnel training, establishment and operation of model programs, technical assistance, research and program evaluation. Provision is to be made

for equitable participation by nonpublic school pupils and teachers in all supported activities. In making grants, the Secretary must give highest priority to programs intended to identify and serve gifted and talented students, such as the disadvantaged, who might not be identified by traditional means, and programs that will improve the capacity of a region or State to serve gifted and talented students.

The Secretary is to use up to 30 percent of the funds appropriated each year for this program for research, evaluation, and dissemination activities of a National Center for Research and Development in the Education of Gifted and Talented Children and Youth. This Center is to be established through a grant or contract to one or more institutions of higher education or State educational agencies.

E. Allen J. Ellender Fellowship Program
(title IV, part C of the ESEA, as amended by P.L. 100-297)

- o Extends the Ellender Fellowship program, adding a provision for fellowships for older Americans and recent immigrants.

Under the Ellender Fellowship program, grants have been made to the Close-Up Foundation to enable economically disadvantaged secondary school students, and their teachers, to participate in the Foundation's programs. The Foundation provides educational programs on Federal Government activities and public affairs, usually bringing participants to Washington, D.C. for this purpose. In addition to Ellender Fellowship appropriations, the Foundation is supported by charitable contributions and tuition from participants whose families can afford to pay.

P.L. 100-297 extends the authorization for this program, and authorizes additional fellowships for older Americans and recent immigrants. However, no funds may be used to serve older Americans or recent immigrants unless at least

2.5 million are appropriated for fellowships to secondary students and teachers.

F. Immigrant Education
(title IV, part D of the ESEA, as amended by P.L. 100-297)

- o Extends the Emergency Immigrant Education Act (EIEA) with no major change in purpose.

The purpose of the EIEA is to provide grants to States with school districts enrolling substantial numbers of immigrant children. Immigrant children are defined as those who were not born in any State and who have been attending school in any State(s) for less than 3 complete academic years. Awards are used to help cover the cost of providing supplemental educational services to these students. Grants are allocated by formula to States with school districts enrolling 500 immigrant students or where immigrant children represent at least 3 percent of a school district's total enrollment. The Hawkins-Stafford Amendments no longer allow students to be counted for eligibility purposes under both the immigrant education and refugee education programs.

G. Territorial Assistance
(title IV, part E of the ESEA, as amended by P.L. 100-297)

- o The existing programs of General Assistance for (public elementary and secondary education in) the Virgin Islands and, Territorial Teacher Training Assistance, are extended without substantive amendment.

H. Secretary's Fund for Innovation in Education
(title IV, part F of the ESEA, as amended by P.L. 100-297)

The Secretary's Fund for Innovation in Education authorizes the Secretary of Education to award funds for:

- -- optional tests for academic excellence to identify outstanding eleventh graders;

-- technology education to develop materials and train teachers in educational television, radio programming, telecommunications, and video resources;

-- computer-based instruction programs authorizing computer hardware and software acquisition and teacher training;

-- programs for the improvement of comprehensive school health education; and

-- support for schools offering alternative curricula to improve students' academic skills and contribute to desegregation in school districts with minority enrollment of at least 65 percent.

I. Fund for the Improvement and Reform of Schools and Teaching (title III, part B of P.L. 100-297)

Establishes a Fund for the Improvement and Reform of Schools and Teaching, administered by the Secretary of Education, under which two kinds of grants are authorized--grants for schools and teachers and grants for family-school partnerships.

The schools and teachers grants are to be awarded for activities such as:

-- helping educationally disadvantaged students meet increased academic standards;

-- providing incentives for improved educational performance;

-- promoting ties among school personnel, families, and the local community;

-- improving the status of teachers;

-- refocusing of school resources to better serve children;

-- increasing the number and quality of minority teachers;

-- improving teacher certification procedures; and

-- encouraging pride in schools.

The family-school partnership grants are intended to increase family involvement in children's educational achievement through such activities as:

-- training family members and educational staff to work cooperatively;

-- developing new school practices; and

-- developing materials for home use.

J. Star Schools Program
(title IX of the Education for Economic Security Act, as amended by P.L. 100-297)

P.L. 100-297 authorizes the Star Schools Program Assistance Act to support the development of statewide or multi-State telecommunications partnerships.

Among their activities, such partnerships must: increase the availability of courses in mathematics, science, and foreign languages; serve educationally disadvantaged students; and train teachers in the use of telecommunications equipment.

K. Comprehensive Child Development Program
(title II, part E of P.L. 100-297)

- o Authorizes a limited number of grants for model programs of comprehensive services to children from low-income families, from birth to compulsory school age

Title II, part E of P.L. 100-297, the Comprehensive Child Development Centers Act of 1988, authorizes grants for model programs of comprehensive services to children from low-income families, from birth to compulsory school age. Grants may be used either for planning or implementing such programs. The services provided by these centers are to be intensive as well as comprehensive, to foster the "physical, social, emotional, and intellectual development" of the children served, and to support their parents.

Between 10 and 25 local agencies are to receive grants to operate comprehensive child development centers, while up to 30 local agencies may receive planning grants. The Federal share for each type of grant is 80 percent. The programs are to continuously evaluated by the Secretary of Department of Health and Human Services (HHS), and the Secretary is to submit an evaluation report to the Congress by October 1, 1993.

The program is to be administered, and grantees to be selected, by the same organizational unit within HHS that administers the head start program. To the extent that services provided under this program are similar to those of the head start program, the head start program regulations are to apply to the comprehensive child development program. Also, funds may not be appropriated for FY 1989 or 1990 for the Comprehensive Child Development Center program unless appropriations for the head start program equal or exceed 104 percent of the previous year appropriation.

XII. OTHER PROVISIONS

A. Studies
(title VI, part C of P.L. 100-297)

- o Authorizes 16 new studies of elementary and secondary education programs

The 16 studies authorized by this part of P.L. 100-297 encompass the following topics: (1) Even start programs under part B, chapter 1, title I of ESEA; (2) student dropout programs under title VI of ESEA; (3) State operated programs for handicapped children under part D, chapter 1, title I of ESEA; (4) college student tutoring programs of chapter 1 participants; (5) State and local uses of funds under chapter 2, title I of ESEA; (6) effective schools programs under chapter 2, title I of ESEA; (7) distribution of funds to States under various Federal elementary and secondary education programs; (8) programs and activities funded by the Women's Educational Equity Act under part A, title IV of ESEA; (9) local expenditure of funds authorized by the Emergency Immigrant Education Act of 1984 under part D, title IV of ESEA; (10) an assessment of the educational needs of Indian children, and the extent to which such needs are addressed in schools operated or funded by the U.S. Department of the Interior; (11) effective bilingual education methods and programs for children and adults, including programs funded by the Bilingual Education Act under title VII of ESEA; (12) impact of recipients of bilingual education fellowships under part C, title VII of ESEA; (13) the condition of bilingual education in

the Nation and the administration and operation of title VII of ESEA; (14) Federal funding sources and services for adult education programs, including literacy initiatives; (15) a description of projects assisted under the Fund for the Improvement and Reform of Schools and Teaching Act under part B, title III of P.L. 100-297; and (16) the need for financial assistance for school construction in federally impacted areas authorized by P.L. 81-815.

B. Special Grant Program
(title VI, part A, subpart 2 of P.L. 100-297)

A one-time grant is authorized to be made for a project to demonstrate new or improved techniques for educating or training persons who are "at risk," such as those with disabilities or who have limited English proficiency. The grant is to be made to a "predominantly rural centrally located western State which has a high birthrate and with a low per pupil expenditure" (sec. 6011(a)(4)).

C. Requirements for Common Carriers With Respect to Dial-A-Porn
(title VI, part B of P.L. 100-297)

- Prohibits obscene or indecent telecommunications for commercial purposes

P.L. 100-297 prohibits any party from making, either directly or through use of a recording device, any obscene or indecent communication for commercial purposes to any person (so-called "dial-a-porn" calls). Maximum penalties for violations are a $50,000 fine and 6 months imprisonment. In addition, civil and criminal fines of not more than $50,000 each can be assessed for each violation; and each day on which calls are placed is considered a separate violation.

These penalties are imposed on commercial enterprises that provide "dial-a-porn" services, not on customers who patronize these services. They can be imposed by a court pursuant to an action by the Federal Communications

Commission; or by the Commission after appropriate administrative proceedings, in which case there is a right to subsequent court review.

D. Effective Date
(title VI, part D of P.L. 100-297)

In general (with certain exceptions noted above), the effective date of P.L. 100-297 is July 1, 1988. 16/

Provisions that authorize appropriations for FY 1988 take effect upon the date of enactment.

Unless otherwise provided, the definitions of terms in title I, chapter 1 of the ESEA apply to all programs authorized in P.L. 100-297.

E. Vocational Education
(title II, part D of P.L. 100-297)

- o Makes single pregnant women eligible for single parents and homemakers programs; and
- o From FY 1987 funds for the National Center for Research in Vocational Education, provides $2 million for Ohio State University and $2 million for the University of California at Berkeley.

The Carl D. Perkins Vocational Education Act (Perkins Act) requires each State to use 22 percent of its basic State grant for programs for single parents and homemakers; single pregnant women are also made eligible for such programs under the amendment.

The Perkins Act authorizes a National Center for Research in Vocational Education; the recent Department of Education competition for a new grant award for the Center has been subject to litigation. From FY 1987 appropriations, P.L. 100-297 awards $2 million to Ohio State University and $2 million

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16/ On May 24, 1988, the House Committee on Education and Labor ordered reported an amended version of H.R. 4638. In general, this bill would delay the effective date for several allocation formula revisions affecting ongoing programs, making the P.L. 100-297 amendments initially effective with FY 1989 appropriations. Those who are especially interested in the effective date of P.L. 100-297 provisions should investigate the current status of this or related legislation.

for the University of California at Berkeley for ongoing activities related to the Center. Neither institution may use these funds for hiring new employees for the remainder of 1988. Ohio State University is the former recipient of the Center award. The University of California at Berkeley was originally selected by ED to be the new grant recipient; however, this award was subsequently vacated by a U.S. District Court on March 15, 1988, and a new competition by ED is required under the court order.

F. Education for the Homeless
(title VI, part A, subpart 1 of P.L. 100-297)

The Stewart B. McKinney Homeless Assistance Act, section 702, is amended. The law previously required the Secretary to allocate grants for homeless adult education programs on the basis of State assessments of the homeless population in each State, but did not require States to make such assessments. This amendment requires such assessments, but changes the grant process from a mandatory formula to a discretionary basis.

G. Higher Education
(title II, part F of P.L. 100-297)

The Guaranteed Student Loan program, authorized under title IV, part B of the Higher Education Act of 1965, as amended, is renamed as the Robert T. Stafford Student Loan Program.

APPENDIX: FY 1989 AUTHORIZATIONS OF APPROPRIATIONS UNDER P.L. 100-297

The table is divided into two parts: (A) programs authorized under P.L. 100-297 that are currently (FY 1988) authorized and funded; and (B) programs that authorized under P.L. 100-297 that are not currently authorized or, if authorized, are not funded.

Authorizations in either P.L. 100-297 or previous law frequently cannot be expressed as specific dollar amounts. This may result from authorizations that are "such sums as may be necessary," that require formula calculations based on population or expenditure data that change regularly, or that are dependent on some other factor (e.g., are a percentage of amounts appropriated for another program or are authorized only when appropriations for another program equal or exceed a specified amount). These conditions and limitations are briefly described in the footnotes accompanying the table.

Also, please note that programs are organized primarily on the basis of current Department of Education or Interior (for Indian education programs) appropriations accounts. The assignment of programs newly authorized in P.L. 100-297 to these accounts is somewhat arbitrary, and may not be in accord with account assignments that are later made when these programs are integrated into budget and appropriations legislation.

Education Programs for Which Appropriations Are Authorized Under P.L. 100-297: FY 1988 Appropriations, Where Applicable, Plus FY 1989 Authorizations Under P.L. 100-297

Program	FY 1988 appropriation P.L. 100-202 (in thousands of dollars)	FY 1989 authorization P.L. 100-297
PART A—CURRENTLY FUNDED PROGRAMS EXTENDED BY P.L. 100-297		
COMPENSATORY EDUCATION FOR THE DISADVANTAGED		
Grants for the disadvantaged (chapter 1):		
Grants to local educational agencies	$3,829,600	formula a/
State agency programs:		
Migrants	$269,029	formula a/
Handicapped	$151,269	formula a/
Neglected and delinquent	$32,552	formula a/
State administration	$38,296	formula a/
Evaluation and technical assistance (including National study on effect of programs on children)	$7,181	$8,000
IMPACT AID		
Maintenance and operations (including disaster assistance)	$685,498	$735,000
Construction	$22,978	$25,000
SPECIAL PROGRAMS		
Improving school programs (chapter 2)		
State block grants	$478,700	$580,000 b/
Secretary's discretionary fund:		
Inexpensive book distribution (RIF)	$7,659	($8,200) c/
Arts in education	$3,315	($3,500) c/
Law related education	$3,830	($3,200) c/
National diffusion network	$10,244	($11,200) c/
Discretionary projects	$4,308	(b/)
Drug free schools and communities:		
State grants	($191,480)	(d/)
National programs	($38,296)	(d/)
Total	$229,776	$250,000 d/
Other special programs:		
Science and mathematics education	$119,675	$250,000 e/
Territorial teacher training assistance	$1,915	$2,000
General assistance for the Virgin Islands	$4,787	$5,000
Ellender fellowships	$2,394	$5,000

See footnotes at end of table.

Education Programs for Which Appropriations Are Authorized Under P.L. 100-297: FY 1988 Appropriations, Where Applicable, Plus FY 1989 Authorizations Under P.L. 100-297—Continued

Program	FY 1988 appropriation P.L. 100-202 (in thousands of dollars)	FY 1989 authorization P.L. 100-297
Women's Educational Equity	$3,351	$9,000
Magnet Schools	$71,805	$165,000
BILINGUAL EDUCATION		
Bilingual Education Act:		
Bilingual programs	($101,198)	-- f/
Support services	($9,928)	--
Training grants	($35,447)	--
Total, Bilingual Education Act	$146,573	$200,000
Emergency immigrant education (including FY 1988 reappropriation of $1.247 million)	$29,969	$40,000
VOCATIONAL AND ADULT EDUCATION		
Adult education	$134,036	$257,800 g/
EDUCATIONAL RESEARCH AND STATISTICS		
(National) Center for Education Statistics	$13,390	$42,323 h/
National assessment of educational progress	$7,563	($9,500) i/
INDIAN EDUCATION		
Indian Education Act:		
Payments to school districts	$49,170	"such sums" j/
Special projects for Indian students	$11,707	$43,000+ k/
Special projects for Indian adults	$3,000	"such sums"
Program administration	$2,449	"such sums"
Navajo Community College	(1/)	formula 1/

See footnotes at end of table.

Education Programs for Which Appropriations Are Authorized Under P.L. 100-297: FY 1988 Appropriations, Where Applicable, Plus FY 1989 Authorizations Under P.L. 100-297—Continued

Program	FY 1988 appropriation P.L. 100-202	FY 1989 authorization P.L. 100-297
	(in thousands of dollars)	
PART B—ADDITIONAL PROGRAMS AUTHORIZED UNDER P.L. 100-297 BUT NOT AUTHORIZED, OR IF AUTHORIZED NOT FUNDED, UNDER PREVIOUS LAW		
COMPENSATORY EDUCATION FOR THE DISADVANTAGED		
Chapter 1 concentration grants (title I, chapter 1, part A, sec. 1006 of ESEA)	--	dependent m/
Grants for capital expenses of serving non-public school pupils (title I, chapter 1, part A, sec. 1017(d) of ESEA)	--	$40,000
Dropout prevention and secondary school basic skills improvement programs:		
Secondary school programs for basic skills improvement and dropout prevention and reentry (title I, chapter 1, part C of ESEA)	--	-- n/
Assistance to address school dropout problems (title VI, part A of ESEA)	$23,935	$50,000 o/
Assistance to provide basic skills improvement (title VI, part B of ESEA)	--	$200,000
Even start (title I, chapter 1, part B of ESEA)	--	$50,000
Implementation of school improvement programs title I, part E, sec. 1405)	--	formula p/
National Commission on Migrant Education (title I, chapter 1, part F, subpart 1, sec. 1439 of ESEA)	--	$2,000 q/
Rural education opportunities (title I, chapter 1, part F, subpart 3 of ESEA)	--	$10,000
SPECIAL PROGRAMS		
Gifted and talented children (title IV, part B of ESEA)	--	$20,000
Presidential awards for teaching excellence in mathematics and science and in foreign languages (title II, part C of ESEA)	--	$2,000
Partnerships in education for mathematics, science, and engineering (title II, part C, sec. 2301 of P.L. 100-297)	--	$15,000
Blue ribbon schools program (title I, chapter 2, part B, sec. 1566 of ESEA)	--	(c/)

See footnotes at end of table.

Education Programs for Which Appropriations Are Authorized Under P.L. 100-297: FY 1988 Appropriations, Where Applicable, Plus FY 1989 Authorizations Under P.L. 100-297—Continued

Program	FY 1988 appropriation P.L. 100-202	FY 1989 authorization P.L. 100-297
	(in thousands of dollars)	
Fund for the improvement and reform of schools and Teaching (title III, part B of P.L. 100-297)		
Grants for schools and teachers	--	$30,000 r/
(Family-school partnership	--	$10,000 r/)
Star schools program (title II, part C of P.L. 100-297)	$19,148	$60,000 s/
Foreign language assistance (title II, part B of ESEA)	--	$20,000
Secretary's fund for innovation in education (title IV, part F of ESEA)		
Optional Tests for Academic Excellence	--	(t/)
Technology education	--	(t/)
Computer-based education	--	(t/)
Comprehensive school health education	--	(t/)
Alternative curriculum schools	--	$35,000
Comprehensive child development program (title II, part E of P.L. 100-297)	--	$25,000 u/
Special grant program for education and training for individuals at risk (title VI, part A, subpart 2 of P.L. 100-297)	--	$4,000
NATIVE HAWAIIAN EDUCATION		
Education for Native Hawaiians (title IV of P.L. 100-297)		
model curriculum implementation project	--	"such sums"
Family-based education centers	--	"such sums"
Higher education demonstration program	--	$2,000
Gifted and talented demonstration program	--	$1,000
Special education program	--	$1,500

See footnotes at end of table.

Education Programs for Which Appropriations Are Authorized Under P.L. 100-297: FY 1988 Appropriations, Where Applicable, Plus FY 1989 Authorizations Under P.L. 100-297—Continued

Program	FY 1988 appropriation P.L. 100-202	FY 1989 authorization P.L. 100-297
	(in thousands of dollars)	
INDIAN EDUCATION		
Administrative cost grants (title V, part A, sec. 5108 of P.L. 100-297)	--	"such sums"
Early childhood development program (title V, part A, sec. 5116 of P.L. 100-297)	--	$15,000
Tribal departments of education (title V, part A, sec. 5119 of P.L. 100-297)	--	"such sums"
Gifted and talented (title V, part C, subpart 2, sec. 5324 of P.L. 100-297)	--	$3,000
White House Conference on Indian Education (title V, part E of P.L. 100-297)	--	"such sums"
Institute of American Indian and Alaska Native Culture and Arts Development (title V, part D, sec. 5406 of P.L. 100-297)	--	"such sums"

See footnotes at end of table.

Footnotes

a/ For each of the chapter 1 basic and State agency grant programs under P.L. 100-297, the annual authorization is equal to the relevant formula population for that program multiplied by the cost factor (the State average per pupil expenditure, with limits of 80 percent and 120 percent of the national average, further multiplied by 40 percent. For chapter 1 State administration, the authorized amount under P.L. 100-297 is equal to the greater of 1 percent of State grants under chapter 1, parts A and D, or $325,000 per State ($50,000 per outlying area).

b/ Under P.L. 100-297, of the total chapter 2 authorization of $580 million, it is required that State and local programs receive at least 94 percent and national programs receive no more than 6 percent. Chapter 2 discretionary programs no longer appear to be authorized under P.L. 100-297.

Note that the FY 1988 appropriation shown for discretionary projects does not include $383,000 that was appropriated for a national school volunteer program. This amount is not included in the table because no explicit authorization for such a program is contained in P.L. 100-297.

c/ For all programs except blue ribbon schools, not less than these amounts are to come from the appropriation for national programs under chapter 2. For blue ribbon schools, not more than this amount is to come from the appropriation for national programs under chapter 2.

d/ Under P.L. 100-297, 3.5 percent of the total appropriation for drug education is to be reserved for national programs.

e/ Of the total appropriation for this program, 4 percent is to be reserved for national programs under P.L. 100-297.

f/ When it appears in the first column of this table, the symbol "--" means that the program is either not currently authorized or, if authorized, is not funded. When the symbol appears in the second column of the table, it means that P.L. 100-297 contains no authorization for that program. This does not mean that a current program would be terminated under that version of P.L. 100-297, only that the bill has no appropriations authorization provisions related to the program.

g/ The amounts in this row include the workplace literacy appropriation for FY 1988 ($9,574,000) and authorizations for current plus new Adult Education Act programs authorized in P.L. 100-297 for FY 1989.

h/ The amounts in this row are not fully comparable. The FY 1988 appropriation includes only amounts for contracts and grants, but the authorization under P.L. 100-297 also includes funds for salaries and expenses. Also, a minimum of $8.75 million of funds appropriated under sec. 405 must be used for sec. 406 as well.

i/ This is the minimum that must be used for the National Assessment of Educational Progress from funds otherwise authorized and appropriated for the Office of Educational Research and Improvement.

j/ "Such sums" = "such sums as may be necessary." Also, for this program, an additional 10 percent of the amount appropriated is authorized to be appropriated for grants to schools that are on or near Indian reservations but are not LEAs; and an additional 10 percent for competitive demonstration projects.

k/ There are 4 separate authorizations under P.L. 100-297--$35 million for demonstration programs, $8 million for evaluation and technical assistance, "such sums as may be necessary" for special educational training programs for the teachers of Indian children, and "such sums as may be necessary" for Fellowships for Indian Students.

l/ Funds for the Navajo Community College are currently provided from the total appropriation for "continuing education" programs of the Bureau of Indian Affairs. P.L. 100-297 contains amendments to a formula for determining maximum payments to the College.

m/ Under P.L. 100-297, the first $400 million in chapter 1 LEA grant (part A) appropriations above the FY 1988 level, plus 10 percent of all increases above the FY 1988 level plus $400 million, are reserved for concentration grants.

n/ The authorization period for this provision begins in FY 1990, for which an appropriation of $400 million is authorized.

o/ The authorization for the FY 1988 appropriation is sec. 137(c) of P.L. 100-202, which refers to title VIII, part A of the Senate version of P.L. 100-297.

p/ The authorized amount for this purpose is 0.25 percent of State grants under title I, chapter 1, parts A and D for FY 1989-1991 (minimum of $90,000 for States, $15,000 for outlying areas), and 0.5 percent of such amounts (minimum of $180,000 for States, $30,000 for outlying areas) for FY 1992-1993.

q/ This is the total authorization for the life of the Commission.

r/ A total of $30 million is authorized to be appropriated for FY 1989 for the Fund for the Improvement and Reform of Schools and Teaching under P.L. 100-297. One-third of this amount is to be reserved for the family-school partnership program.

s/ This is the maximum amount that could be appropriated for this program in each of fiscal years 1989-1992 under P.L. 100-297. There is an aggregate authorization of $100 million for FY 1988-1992. The FY 1988 authorization was provided in sec. 137(a) of P.L. 100-202, which refers to sec. 6005 of the Senate version of P.L. 100-297.

t/ Under P.L. 100-297, the FY 1989 authorization for all programs of the Secretary's fund for innovation in education, except the alternative curriculum schools program, is $20 million. The FY 1989 authorization for alternative curriculum schools is $35 million; however, no funds may be appropriated for this program unless at least $165 million is appropriated for the magnet schools program (title III of the ESEA, as amended by P.L. 100-297).

u/ No funds may be appropriated for this program unless appropriations for the Head Start program equal or exceed 104 percent of the previous year appropriation.